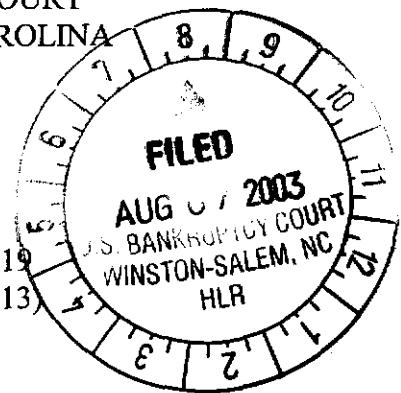


IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON SALEM DIVISION

IN RE:)
)
JAMES EDWARD HALCOMB)
JERRI STARNES HALCOMB,)
)
Debtors.)

Case No. 03-52119
(Chapter 13)



MOTION FOR, AMONG OTHER THINGS,
RELIEF FROM THE AUTOMATIC AND CO-DEBTOR STAYS

COMES NOW Geneal Motors Acceptance Corporation (herein "GMAC"), pursuant to 11 U.S.C. §§362(d) and 1301(c), and moves for relief from the automatic and co-debtor stays herein, or, in the alternative, applies to the Court for adequate protection of its interest in the below-described vehicle, as follows:

1. The Debtors commenced this case by petition filed on or about July 21, 2003.
2. On or about January 27, 2001, the Male Debtor and Rhea Kay Hicks (the "Co-Debtor") jointly purchased a 2001 Oldsmobile Alero GL, VIN #1G3NL52E11C136060 (herein the "Vehicle"), pursuant to the terms of an installment sales contract of even date (herein the "Contract"). A copy of the Contract is attached hereto marked Exhibit 1. The Contract was subsequently assigned to GMAC and GMAC is now the sole owner and holder of the Contract.
3. Under the terms of the Contract, GMAC has a senior security interest and first lien on the Vehicle which it duly perfected. A copy of the Certificate of Title evidencing same is attached hereto marked Exhibit 2.
4. The payments due under such Contract are in arrears for the following months in the following amounts:

AMOUNT DUE	DUE DATE
\$ 550.63	May 1, 2003
\$ 532.46	June 1, 2003
<u>\$ 532.46</u>	July 1, 2003
\$1615.55	TOTAL ARREARAGES

5. The current net payoff balance due under the Contract is \$17,796.56, together with interest accruing thereon at 8.9% per annum. At the same time, the current NADA retail and wholesale values of the Vehicle are no more than \$9,650.00 and \$7,825.00, respectively. See Exhibit 3. Thus there is no equity in the aforesaid Vehicle, the value of GMAC's claim secured by said Vehicle being in excess of the fair market value thereof.

6. GMAC repossessed the Vehicle prior to the filing date, and presently has actual possession of the Vehicle. GMAC seeks relief from the automatic stay in order to dispose of the Vehicle.

7. Under these circumstances, GMAC does not have adequate protection of its security interest in the Vehicle, and thus there is good cause to grant GMAC relief from the automatic and co-debtor stays under 11 U.S.C. §§362(d) and 1301(c).

8. If GMAC is not permitted to foreclose its security interest in the aforesaid Vehicle, it will suffer irreparable injury, loss and damages.

9. Due to the nature of the Vehicle as being easily moved, easily secreted and easily damaged, GMAC also hereby requests that any order granting the relief requested herein be immediately effective.

WHEREFORE, GMAC moves the Court for the following relief:

1. The Court enter an Order pursuant to 11 U.S.C. §§ 362(d) and 1301(c), and Rule 4001(a)(3) immediately lifting the automatic and co-debtor stays to permit GMAC to foreclose its security interest in the Vehicle in accordance with its loan documents and applicable law, and to thereafter pursue the Co-Debtor for any amounts which may remain due under the Contract after sale of the Vehicle; and

2. GMAC be allowed a general unsecured claim in this case for any outstanding deficiency balance remaining after sale or subsequent disposition of the Vehicle; and

3. That in the alternative, GMAC be afforded adequate protection of its security interest in the Vehicle, including proof of continuing insurance coverage on the Vehicle naming GMAC as loss payee, and reimbursement of the \$425 in reasonable attorneys' fees and costs incurred in connection with this Motion; and

4. That GMAC have such other and further relief as to the Court seems just and proper.

This the 40 day of August, 2003.

KIRSCHBAUM, NANNEY, KEENAN & GRIFFIN, P.A.

By: s/ Pamela P. Keenan
Pamela P. Keenan

N.C. State Bar No.20328
Attorneys for General Motors Acceptance Corporation
Post Office Box 19766
Raleigh, North Carolina 27619
Telephone: (919) 848-0420
Facsimile (919) 848-4216

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day, she served a copy of the foregoing on the parties in interest either electronically or by depositing copies of same in a depository under the exclusive care and custody of the United States Postal Service, in a postage-paid envelope, addressed as follows:

James E. and Jerri S. Halcomb
406 Welcome Bethesda Rd.
Welcome, NC 27374

Rhea Kay Hicks
234 Garlin Dr.
Welcome, NC 27374

Bill I. Long, Jr.
PO Box 10247
Greensboro, NC 27404

Kathryn L. Bringle
PO Box 2115
Winston Salem, NC 27102

This the 6 day of August, 2003.

s/ 
Gwen T. Best
Paralegal

SAC 7/30/3

STATE OF NORTH CAROLINA

MVR 181 (Rev 10/99)

CERTIFICATE OF TITLE

TITLE NUMBER [773886010473140	GROSS WEIGHT	LICENSE FEE 40.00	TITLE ISSUE DATE 02/22/2001	PREV TITLE
VEHICLE IDENTIFICATION NUMBER 1G3NL52E11C136060	YEAR MODEL 2001	MAKE OLDS	BODY STYLE 4S	

MAILING ADDRESS

GMAC
PO BOX 8132
COCKEYSVILLE MD 21030-8132

02/28/2002
DRRHEA
PVA PASS
ODOMETER -000023

OWNER(S) **JAMES EDWARD HALCOMB**
 NAME AND **RHEA KAY HICKS**
 ADDRESS **WELCOME BETHESDA RD**
WELCOME NC 27374

THIRD LIENHOLDER: _____ DATE: _____

The Commissioner of Motor Vehicles of North Carolina hereby certifies that the application for a certificate of title to the above vehicle has been filed pursuant to the laws of North Carolina and the Division of Motor Vehicles is satisfied that the applicant is the owner. Official records of the Division reflect the vehicle is subject to the herein enumerated liens at the date of this certificate.

As WITNESS, his hand and seal on the day and year appearing in this certificate issue date.

COMMISSIONER OF MOTOR VEHICLES

2ND RELEASED BY _____ **FIRST LIENHOLDER:** _____ **DATE** _____
SIGNATURE OR AGENT

01/27/2001

GMAC
PO BOX 8132
COCKEYSVILLE MD 21030-8132

1ST RELEASED BY _____ **DATE** _____
SIGNATURE OR AGENT

ADDITIONAL LIENS:



67453216
140 TIC1404

TITLE 023-0631-35206
 R 001 . 00000263935 /00072 FILE
 00001 PSHIP 1G3NL52E11C136060



136 OLDSMOBILE

OLDSMOBILE 137

Trade-in	Body Type	Model No.	M.S.R.P.	Weight	Loan	Rebill	Model No.	Body Type	Model No.	M.S.R.P.	Weight	Loan	Rebill
OLDSMOBILE													
	2002 ALERO-4 Ctl.												
Veh. Ident.: 1G3(Model)()01(12)(000001 Up.													
8300 Coupe 2D GX.....NK1	\$17310	2973	7475	10200				225	250				
8975 Coupe 2D GL.....NL1	19520	6100	10500				350	400					
8250 Sedan 4D GX.....NKS	17310	3026	7425	10150			150	175					
8925 Sedan 4D GL.....NL5	19285	3046	8550	10850			550	625					
							75	100					
	2002 ALERO-V6						475	475					
Veh. Ident.: 1G3(Model)()01(12)(000001 Up.													
9425 Coupe 2D GL.....NL1	\$20235	8500	11450				475	475					
11950 Coupe 2D GLS.....NF1	22240	3060	10400	13775			WH5	\$22395					
5975 Sedan 4D GL.....NL5	20010	8450	11400				10025	Sedan 4D GX.....W5	24150	3455	7900	10700	
11500 Sedan 4D GLS.....NF5	22015	3108	10350	13725			26515		10350	10350	12150	13700	
	ALERO OPTIONS												
250 Add Aluminum/Alloy Wheels							225	250					
175 Add Power Seat (Std. GLS)							175	200					
600 Add Power Sunroof							600	675					
100 Add Theft Recovery System							100	125					
525 Deluxet W/out Automatic Trans.							525	525					
	2002 INTRIGUE-V6						250	300					
Veh. Ident.: 1G3(Model)()01(12)(000001 Up.							175	200					
10550 Sedan 4D GX.....WH5	\$22867	3434	9500	12700			100	125					
12225 Sedan 4D GL.....W5	24252	11025	14575				350	400					
14325 Sedan 4D GLS.....WX5	27742	12500	16775				150	175					
							550	625					
	ALERO OPTIONS							75	100				
250 Add Aluminum/Alloy Wheels							250	300					
250 Add Bose Stereo System							400	450					
400 Add Leather Seats (Std. GLS)							175	200					
175 Add Power Seat (Std. GL, GLS)							600	675					
600 Add Power Sunroof (Std. GLS)							100	125					
100 Add Theft Recovery System													
	2002 INTRIGUE-V6						250	300					
Veh. Ident.: 1G3(Model)()01(12)(000001 Up.							400	450					
16500 Sedan 4D GX.....W5	\$22867	3434	9500	12700			175	200					
2002 AURORA-V8							10025	14575					
Veh. Ident.: 1G3GS6()01(12)(000001 Up.							10150	23475					
20150 Sedan 4D 4.0L.....GS6	\$34980	3803	10150	23475			NK1	\$15875	2958	3686	12625	16775	
							6350	Sedan 4D GX.....NL1	17650				
	AURORA OPTIONS						6350	Sedan 4D GX.....NL1	17650	3022	5725	8075	
350 Add Aluminum/Alloy Wheels							6350	Add Power Sunroof	17650	3022	6200	8650	
350 Add Bose Stereo System							75	Add Theft Recovery System	17650				
700 Add Power Sunroof (Std. GLS)													
100 Add Theft Recovery System													
	OLDSMOBILE												
	2001 ALERO-4 Ctl.												
Veh. Ident.: 1G3(Model)()01(12)(000001 Up.													
7275 Coupe 2D GX.....NK1	\$17210	2973	6550	9075									
7875 Coupe 2D GL.....NL1	18620	2997	7100	9725			175	200					
7225 Sedan 4D GX.....NK5	17210	3036	6525	9025			175	200					
7825 Sedan 4D GL.....NL5	18620	3046	7050	9850			175	200					
							3046	Mileage Class: II					
	2001 ALERO-V6												
Veh. Ident.: 1G3(Model)()01(12)(000001 Up.													
8275 Coupe 2D GL.....NL1	\$19275	2973	7450	10175									
10050 Coupe 2D GLS.....NL1	22190	3060	9075	12175									
8225 Sedan 4D GL.....NL5	19275	7425	10100										
	PRODUCT FOR RECONDITIONING												
	SOUTHEASTERN EDITION - JULY 2003												